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BOYD GAMING CORPORATION

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9
10 BOYD GAMING CORPORATION, a
Nevada Corporation,

11 Plaintiff,
12
13 v.
14 KING ZULU, LLC, an unknown entity
doing business in Saint Kitts and Nevis,
15
16 Defendant.

Case No.

**FILED UNDER SEAL (MOTION TO
TEMPORARILY FILE UNDER SEAL
FILED CONCURRENTLY HEREWITH)**

**TEMPORARY RESTRAINING ORDER
AND ORDER SETTING HEARING ON
PRELIMINARY INJUNCTION**

17 UPON CONSIDERATION of the motion filed by Plaintiff Boyd Gaming Corporation
18 ("Plaintiff") for a temporary restraining order and preliminary injunction, the supporting
19 memorandum of points and authorities, the supporting declaration and evidence, the record in this
20 case, and for other good cause shown;

21 THE COURT HEREBY FINDS THAT:

22 1. Plaintiff will suffer irreparable injury if the Court does not require GoDaddy, the
domain name registrar, to place the domain name <ipcasino.com> ("Infringing Domain Name")
23 on hold and lock, pending further resolution of this dispute.

24 2. Plaintiff is likely to succeed on the merits of its claim for cybersquatting under the
Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), because Plaintiff has
25 demonstrated that Defendant King Zulu, LLC ("Defendant") registered the Infringing Domain
26
27
28

1 Name with a bad faith intent to profit from Plaintiff's IP CASINO and related trademarks
2 ("Plaintiff's Marks," as defined in Plaintiff's Motion for Temporary Restraining Order Without
3 Notice), which were distinctive and/or famous at the time Defendant registered the Infringing
4 Domain Name;

5 3. The balance of hardships tips in favor of Plaintiff because issuance of the
6 temporary restraining order would merely place the Infringing Domain Name on hold and lock
7 pending trial, and failure to issue the restraining order would cause Plaintiff to suffer and incur
8 additional expense in having to file additional lawsuit(s) if the Infringing Domain Name was to be
9 transferred to other registrants during the pendency of this action; and

10 4. Granting Plaintiff the relief it requests is in the public interest, because such relief
11 will protect consumers against deception as to the source of Defendant's services.

12 THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits:

13 A. The Infringing Domain Name shall be immediately placed on hold and lock by
14 GoDaddy;

15 B. GoDaddy shall disable the current domain name server information;

16 C. In the event that GoDaddy refuses or fails to comply with this Order within one
17 day of its service, the top level domain (TLD) Registry for the Infringing Domain Name,
18 Verisign, Inc., shall be authorized to place the Infringing Domain Name on Registry Hold status,
19 thus removing them from the TLD zone files maintained by the Registry which link the Infringing
20 Domain Name to the IP address where the associated website is hosted.

21 D. A nominal bond of \$100 shall be required because the evidence indicates that
22 Defendant will only suffer, if at all, minimal damage by the issuance of this temporary restraining
23 order and injunction.

ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION

25 UPON CONSIDERATION of the motion filed by Plaintiff for a preliminary injunction
26 enjoining Defendant from maintaining any further registration or use of the Infringing Domain
27 Name, which contains Plaintiff's Mark, the supporting points and memorandum of authorities, the
28 supporting declaration and evidence, the record in this case, and for good cause shown;

1 To ensure Defendant receives timely notice of the hearing, given that Defendant must
2 maintain accurate contact information with the domain name registrar, Plaintiff may, in addition
3 to the requirements of service identified in Federal Rules of Civil Procedure 4 and 5, serve the
4 motion, this Order, and all other pleadings filed to date on Defendant by e-mail transmission, at
5 the e-mail address listed in the public WHOIS information; and

6 THE COURT HEREBY sets the hearing for Plaintiff's motion for preliminary injunction
7 on February 3, 2012 at 1:30 p.m. to be held in courtroom 6A at the Lloyd D. George
8 Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada.

9 Further, the Court sets forth the following briefing schedule relating to Plaintiff's motion:

10 1. Defendant shall file and serve its opposition papers, if any, no later than
11 January 27
12 _____ 2012; and

13 2. Plaintiff shall file and serve its reply brief no later than January 31, 2012.

14 ENTERED this 20th day of January, 2012, at 1:45 p.m.

15 
16 UNITED STATES DISTRICT JUDGE